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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/724,646 | 12/01/2003 | Flavio Tondolo | CCIOO-046A | 2323 |
| 7663 | 7590 | 03/07/2005 | EXAMINER | |
| STETINA BRUNDA GARRED & BRUCKER | | | LAZO, THOMAS E | |
| 75 ENTERPRISE, SUITE 250 | | | | |
| ALISO VIEJO, CA 92656 | | | ART UNIT | PAPER NUMBER |
| | | | 3745 | |

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9P

| | | | |
|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/724,646 | Applicant(s) TONDOLO, FLAVIO | |
| | Examiner Thomas E. Lazo | Art Unit 3745 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 2,6,8-11,13,19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 1 and 20 are objected to because of the following informalities:

In claim 1, line 12, "each" should be deleted.

In claim 20, line 2, --of the volume booster-- should be inserted after "restrictions".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art Figure 1C. Figure 1C discloses an actuator system with a cylinder, a compressed air source, a positioner, first and second valving modules, first and second volume boosters, first and second derivative boosters, first and second commutators, a safety valve, a volume tank, a volume tank check valve, a first adjustable restriction, and a second adjustable restriction, wherein all of the above components function and are functionally related as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art Figure 1C, in view of Steinke et al. (6,802,242). Figure 1C discloses all of the claimed subject matter further including a first adjustable restriction for the first volume booster. Figure 1C does not disclose the first and second adjustable restrictions of the derivative boosters being needle valves, and a first check valve for the first volume booster.

Steinke et al. teaches for an actuator system with a cylinder, a compressed air source, a positioner, first and second valving modules, first and second volume boosters, a first adjustable restriction, and that there is a first check valve 32 for the volume boosters 42 and the first adjustable restriction 40 is a needle valve for the purposes of regulating the sensitivity of the boosters. See Steinke et al. column 7, lines 59-61 and column 8, lines 26-33.

Since Figure 1C and Steinke et al. are both actuator systems, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system of Figure 1C, based on the teachings of Steinke et al. to include a first check valve for the volume boosters and the first and second adjustable restriction as needle valves for the purposes of regulating the sensitivity of the boosters.

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Allowable Subject Matter

Claims 2, 6, 8-11, 13, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of two patents.

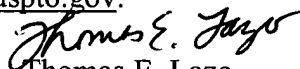
Miller et al. (6,732,629) and Laffler et al. (6,357,335) are cited to show actuator systems with pneumatic valve modules.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Thomas E. Lazo
Primary Examiner
Art Unit 3745

TEL
March 3, 2005